IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 25398 of 2003

Between:

B.Vijayalakshmi, d/o Venkata Ramaiah
Govt.Employee, r/o 2-5-701,

Subedari Hanumakonda,
Near Employment Office, Warangal,
Warangal District.

..... PETITIONER

AND

1. The Director General of Police, Lakadi-ka-pool, Hyderabad.
2. The Inspector of Police, Amberpet Police Station, Hyderabad.
3. C.C.S.(Woman Police Station), Control Room, Hyderabad.
4. The Commissioner of Police, Hyderabad City, Hyderabad.
5. M.V.Krishna Rao, Erstwhile Commissioner of Police, Hyderabad City, Hyderabad.
6. P.V.Muralidhar, S/o Mogilappa, Working as S.I. of Police, at Dharmavaram Rly.,Station, Anantapur District.
7. P.V.Bharathi, w/o P.V.Muralidhar, Advocate, R/o and c/o S.I. of Police at Dharmavaram Rly., Station, Anantapur District.
8. Venkata Ramana, Working as C.I., of Police

(C.B.C.I.D.), Brother-in-law of P.V.Muralidhar,
Nalgonda, Nalgonda District.

9. Nava Jyothi, Sister/of P.V.Muralidhar,
Jr.Asst.A.P.P.S.C., Gaganmahal, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of mandamus or any other appropriate writ declaring the inaction of the 1 to 4 respondents and acting under the instructions of the unofficial respondents herein initiating the process of investigation to enquire all the charges/contents of F.I.R.s 141 dt.5-5-02, 189 dt.9-5-02, 412 dt.26-11-02 as illegal, arbitrary, being violation of Article 14, 15 and 21 of the Constitution of India and consequently direct the 1 to 4 respondents to commence the process of investigation under Section 2(h) and Chapter XII of Cr.P.C., and to call for all the records pertaining to the investigation which has been made so far

For the Petitioner:MR.RAMANA ALLU

For the Respondents No.1to 9: GP FOR HOME

The Court Made the Following :

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ORDER:

The gravamen of the complaint of the petitioner in the present writ petition is that though various complaints made against the respondents No.6 to 9 in various police stations of which FIRs are registered but no investigation into the said crimes or charge sheets are filed at the influence of the 6th respondent and accordingly, she prays for a Mandamus directing the respondents 1 to 4 to commence the process of investigation and complete the same by filing reports.

The Inspector of Police, Amperpet Police Station, Hyderabad 2nd respondent herein filed a counter affidavit on behalf of the respondents No.1 to 4 stating that basing upon the complaints made by the petitioner before the Police Station, Amberpet, Hyderabad, three cases in (1) Cr.No.141/2002, under Section 380 IPC, dated 5-5-2002, (2) Cr.NO.412/2002, under

Section 420, 453, 495, 496 IPC, dated 26-11-2002, (3) Cr.No.438/2002, under Section 323, 379 IPC, dated 27-12-2002, have been registered on the file of Amberpet Police Station, Hyderabad against the accused persons thereon and after thorough investigation, case in Cr.No.438/2002 was closed as false and accordingly, final report in the said case was filed before the learned VI Metropolitan Magistrate Court, Hyderabad. The cases in Cr.Nos.141 & 412 of 2002 were referred to as 'Lack of Evidence' and final reports therein were filed before the learned VI Metropolitan Magistrate Court, Hyderabad, on 22-2-2003 & 10-9-2003 respectively. The petitioner refused to receive the complainants notice in the above said three cases. Cr.No.184/23002, under Section 498-A I.P.C, registered on the file of Women Police Station, CCS, Hyderabad, basing on the complaint of the petitioner is also referred to as 'Lack of Evidence' and a final report is also said to have been filed before the XXII Metropolitan Magistrate Court, Hyderabad. It is also admitted that Cr.No.21/2002, under Sections 448, 505, 406 & 509 IPC, dated 14-4-2002, registered against the petitioner herein, basing on the complaint of one Smt.P.V.Bharathi, has been referred to as 'False' and final report dated 20-8-2002 has been filed before the learned XIV Metropolitan Magistrate, Hyderabad. It is denied that 6th respondent influencing the respondent authorities in investigating in to the crime and filing of the reports.

In view of the same, the respondents are hereby directed to communicate the reports said to have been filed by them before the VI Metropolitan Magistrate Court, Hyderabad, and

Women Police Station CCA, Hyderabad and communicate the report in Cr.No.21/2002, dated 14-4-2002 and the final report dated 20-8-2002, filed before the XIV Metropolitan Magistrate Court, Hyderabad to the counsel appearing for the petitioner filed in this present writ petition. On furnishing the said report, the petitioner is at liberty to file a petition before the respective Court, and it is for the VI Metropolitan Magistrate Court, Hyderabad and XIV Metropolitan Magistrate Court, Hyderabad, to proceed on such applications, if any filed in accordance with the law.

Accordingly, the writ petition is disposed of. No costs.

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(A.GOPAL REDDY, J)

1st July, 2004.
Mrb

ASSISTANT REGISTRAR

//TRUE COPY/

SECTION OFFICER

To

1. The Director General of Police, Lakadi-ka-pool,

Hyderabad.

2. The Inspector of Police, Amberpet Police Station, Hyderabad.

3. C.C.S.(Woman Police Station), Control Room, Hyderabad.

4. The Commissioner of Police, Hyderabad City, Hyderabad.

5. M.V.Krishna Rao, Erstwhile Commissioner of Police, Hyderabad City, Hyderabad.

6. P.V.Muralidhar, S/o Mogilappa, Working as S.I. of Police, at Dharmavaram Rly.,Station, Anantapur District.

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8. Venkata Ramana, Working as C.I., of Police (C.B.C.I.D.), Brother-in-law of P.V.Muralidhar, Nalgonda, Nalgonda District.

9. Nava Jyothi, Sister/of P.V.Muralidhar, Jr.Asst.A.P.P.S.C., Gaganmahal, Hyderabad.

10. Two CCs to G.P. for Home, High Court of A.P., Hyderabad.

11. 2CD copies

12. VI Metropolitan Magistrate Court, Hyderabad.

13. XIV Metropolitan magistrate Court, Hyderabad.